

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW YORK HELICOPTER CHARTER, INC. and
MICHAEL ROTH individually

Plaintiffs

-against-

AIR PEGASUS HELIPORT, INC, HUDSON RIVER
PARK TRUST and the FEDERAL AVIATION
ADMINISTRATION

Defendants
-----X

U.S. DISTRICT COURT
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/16/08

07 Civ. 4069

STIPULATION

IT IS HEREBY STIPULATED by and between the attorneys for the parties listed below as follows:

1. All of the claims in the Amended Complaint filed on April 28, 2008 (the "Amended Complaint") based on the assertion that Air Pegasus Heliport, Inc ("APH") is a state actor are hereby dismissed with prejudice. These include the following causes of action: First Claim (Equal Protection), Second Claim (Due Process) and Third Claim (Due Process).


2. The Fifth and Sixth Claims (under Article 78 and for Breach of Trust) against APH are dismissed with prejudice.

3. The only claim against APH in the amended complaint that remains is the Fourth Claim (for tortious interference with existing contracts and prospective economic relations).

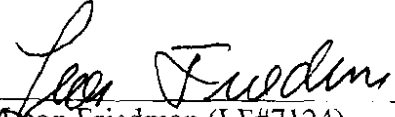
4. Since the court has ruled that Defendant APH is not a state actor, Defendant APH agrees that Plaintiffs retain the right to argue on appeal that APH could be considered a state actor, subject to the various constitutional claims noted above.

5. The time for Defendant APH to answer or move against the complaint is hereby extended from May 18, 2008 until June 2, 2008.

Dated: New York, N.Y.
May 9 2008


Robert J. Hantman, Esq. (#3947)
Hantman & Associates
1414 Avenue of the Americas
New York, N.Y. 10019
(212) 684-3933
Attorney for Plaintiffs

Dated: New York, N.Y.
May 9 2008


Leon Friedman (LF#7124)
148 East 78th Street
New York, N.Y. 10075
(212) 737-0400
Attorney for Defendant
Air Pegasus Heliport, Inc.

SO ORDERED:

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U.S.D.J.

May 13, 2008